FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8127 OF 2006

Office Notes, Office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.Siddharth Karpe i/by YKS Legal for petitioner.

Mr. J.D. Fernandes for respondent no.1.

CORAM: B.H. MARLAPALLE,J.

15/06/2007.

P.C.:

. RAE & R. Suit No. 548/1482 of 1986 was partly decreed by the learned Judge of the Small Causes Court at Mumbai by judgment and order dated 30/6/2001. Being aggrieved by the said decree, plantiffs filed Appeal No. 149/2001 before the Division Bench of the same court. The said Appeal was allowed by the lower Appellate Court vide its judgment and order dated 26/9/06.

. The petitioner, therefore, has a statutory remedy of filing a Civil Revision Application under Section

115 of C.P.C. and as held by me in Writ Petition No. 4138 of 2006 vide the order dated 24/8/2006. When such a statutory remedy is available, a Writ Petition under Article 227 of the Constitution need not be entertained.

. Hence, the Writ Petition is disposed as such with liberty to the petitioner to file a Civil Revision Application and if such an application is filed within a period of four weeks from today, the period of pendency of this petition will be taken into consideration for condonation of delay, if any. Annexures be returned, if applied for. Interim order granted earlier will continue for four weeks.

(B.H. Marlapalle,J.)